

# State of Michigan Agency Employee Confidentiality Agreement

Michigan's Revenue Act, MCL 205.28(1)(f), makes tax information acquired from the Michigan Department of Treasury confidential. The Act holds that any state employee, authorized representative, or former employee who has access to Michigan tax returns and Michigan tax return information is subject to the same restrictions as Michigan Department of Treasury employees. All unauthorized disclosures of information are subject to criminal and civil penalties under the Michigan Revenue Act. Penalties can include fines, imprisonment and dismissal from state employment.

**INSTRUCTIONS:** Read this entire form before you sign it. If you do not complete this agreement, you will be denied access to Michigan Department of Treasury information. After you sign and date this form, keep a copy for your records. **File the original with the Michigan Department of Treasury, Disclosure Officer, 430 W. Allegan, Lansing, MI 48922.**

Employee Name (Last, First, MI)	Employee Identification Number or Driver's License Number
Employee Work Unit (Department, Division and Address)	

Michigan Department of Treasury tax returns or return information made available to you, including information marked "Official Use Only," shall not be divulged to any person except as is necessary to perform official duties. Section 205.28(1)(f) provides that you may not willfully browse returns or information contained in a return. Browsing is defined as examining a return or return information without authorization and without a need to know the information to perform official duties.

Tax returns and tax return information may only be used for the purpose outlined in the Inter-Agency Agreement and/or the addendum to the Inter-Agency Agreement established between the Michigan Department of Treasury and the agency listed above (Department/Division).

Access to Treasury information, both in paper and electronic form, is allowed on a need-to-know basis to perform your agency's official duties. Before you disclose returns or return information to other employees in your agency, they must also have a need to know the information to perform their official duties.

**Penalty.** Violating confidentiality laws is a felony, with penalties as described:

## Agency Discipline

Absence of criminal prosecution does not prevent your agency from pursuing internal sanctions for unauthorized accessing, browsing, or disclosing state or federal tax returns or tax return information.

## Michigan Penalties

MCL 205.28(1)(f) provides that you may not willfully browse any Michigan tax return or information contained in a return. Browsing is defined as examining a return or return information acquired without authorization and without a **need to know** the information to perform official duties. Violators of §28(1)(f) are guilty of a **felony** and subject to **fines of \$5,000 or imprisonment for five years, or both** per the Michigan Revenue Act, 1941 PA 122, MCL 205.28(2). State employees will be discharged from state service upon conviction.

Any person who violates any other provision of the Revenue Act, 1941 PA 122, MCL 205.1, et seq., or any statute administered under the Revenue Act, will be guilty of a misdemeanor and **fined \$1,000 or imprisonment for one year, or both**, MCL 205.27(4).

## Federal Penalties

If you willfully disclose federal tax returns or tax return information to a third party, you are guilty of a **felony** with a **fine of \$5,000 or imprisonment for five years, or both, plus prosecution costs** according to the Internal Revenue Code (IRC) §7213, 26 USC 7213.

In addition, inspecting, browsing or looking at a federal tax return or tax return information without authorization is a felony violation of IRC §7213A, 26 USC 7213A, subjecting the violator to a **\$1,000 fine or imprisonment for one year, or both, plus prosecution costs**. Taxpayers affected by violations of §7213A must be notified by the government and may bring a civil action against the federal government and the violator within two years of the violation. Civil damages are the **greater of \$1,000 or actual damages** incurred by the taxpayer, plus the costs associated with bringing the action, 26 USC 7431.

EMPLOYEE CERTIFICATION		
By signing this Agreement, I certify that I have read the above confidentiality provisions and understand that failure to comply is a felony.		
Print name of employee signing this agreement	Signature of person named above	Date signed

  

WITNESS		
Print name of witness	Signature of witness	Date signed

After you read this notice, sign, date, make a copy for your records and return the original to your supervisor.

Michigan Department of Treasury  
Office of Policy Communications and Disclosure  
430 W. Allegan  
Lansing, MI 48922

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